IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Toth, Thomas L.
Serial No.	:	10/063,373
Filed	:	April 16, 2002
For	:	Method and Apparatus for Reducing X-Ray Dosage in CT Imaging Prescription
Group Art No.	:	2151
Examiner	:	Van Kim T. Nguyen

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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          37 CFR 1.8(a)   **37 CFR 1.10**

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■ transmitted by EFS-WEB addressed to **Examiner Van Kim T. Nguyen** at the Patent and Trademark Office.

   Date: __October 4, 2007__   /Robyn L. Templin/_____
                                                  Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705(d)

Dear Sir:

     Applicant requests reconsideration and adjustment of the patent term of the above-captioned application under 37 C.F.R. §1.705(d).

REMARKS

The Issue Notification, mailed July 18, 2007, for the above-captioned patent application indicates a patent term adjustment of 802 days. However, Applicant believes that a patent term adjustment of 861 days is proper.

Specifically, the Notice of Allowance mailed on December 26, 2006, indicated that PTO delays were in the amount of 861 days, in accordance with 37 CFR §1.702(b). The Notice of Allowance also stated that "[i]f the issue fee is paid on the date that is three months after the mailing date of the notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 861 day(s)." *Notice of Allowance*, December 26, 20066, p. 3.

Thereafter, in the Issue Notification mailed July 18, 2007, an "Applicant Delay" of 59 days was identified and was subtracted from the PTO delay of 861 days, resulting in a patent term adjustment of 802 days, the 59 days being the time between payment of the issue fee on January 11, 2007 and the verification of the issue fee on May 24, 2007. Applicant believes this identification of an "Applicant Delay" of 59 days is in error. That is, Applicant paid the issue fee on January 11, 2007, within three months of the mailing of the Notice of Allowance. As such, Applicant believes that the patent term adjustment should be for 861 days. While the issue fee was not verified until May 24, 2007, such delay between payment of the issue fee and verification thereof is not the fault of the Applicant. The Applicant therefore believes that the "Applicant Delay" of 59 days identified in the Issue Notification is improper, as the delay was in fact a delay by the PTO in verifying payment of the issue fee and not a delay by the Applicant in actually submitting payment of that fee.

Therefore, Applicant is entitled to a total patent term adjustment for the above-captioned patent of 861 days. The above-captioned patent is not subject to a terminal disclaimer, and, as explained above, any circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in §1.704 result from errors by the Patent Office.

The fee of $200 as set forth in 37 C.F.R. §1.18(e) will be paid via EFS-WEB concurrently herewith.

Applicant hereby requests that any questions regarding this matter be directed to the undersigned.

Respectfully submitted,

/Kevin R. Rosin/

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Dated: October 4, 2007
Attorney Docket No.: GEMS8081.111

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